

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JADA DAVIS-BEY,)
Plaintiff,)
v.) No. 4:23CV776 HEA
MAJOR IRVIN, et al.,)
Defendants.)

OPINION, MEMORANDUM AND ORDER

This closed case is before the court on self-represented Plaintiff Jada Davis-Bey's notice of appeal and motion for leave to proceed *in forma pauperis* on appeal. ECF Nos. 10-11. For the reasons discussed below, Plaintiff's motion will be denied.

“The filing of a notice of appeal … confers jurisdiction on the court of appeals and divests the district court o[f] its control over those aspects of the case involved in the appeal.” *Liddell v. Bd. of Educ.*, 73 F.3d 819, 822 (8th Cir. 1996) (quoting *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982)). But filing a notice of appeal does not prevent a district court from taking action in furtherance of the appeal or prevent it from hearing motions on collateral matters to those at issue on appeal. *Mahone v. Ray*, 326 F.3d 1176, 1179 (11th Cir. 2003) (citations omitted).

On August 7, 2023, the Court dismissed this case for failure to comply with a Court Order under Federal Rule of Civil Procedure 41(b). ECF No. 8. When the Court dismissed this action, it certified in writing that an appeal from the dismissal would not be taken in good faith. *See id.*; 28 U.S.C. § 1915(a)(3). As a result, Plaintiff's motion for leave to proceed *in forma pauperis* on appeal will be denied.

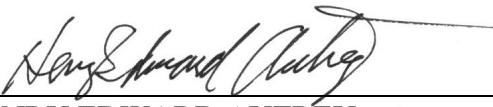
Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion for leave to proceed *in forma pauperis* on appeal [ECF No. 11] is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff shall, within **thirty (30)** days of the date of this Order, either pay the \$505 appellate filing fee or file a motion in the United States Court of Appeals for the Eighth Circuit for leave to proceed *in forma pauperis*.

IT IS FINALLY ORDERED that Plaintiff shall file any future documents or pleadings in connection with his appeal directly with the United States Court of Appeals for the Eighth Circuit.

Dated this 22nd day of August, 2023.


HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE